



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Tiernay, et al.) Examiner: A. Chou
)
Serial No.: 09/829,237) Art Unit: 2662
)
Filed: April 9, 2001)

For: **MULTIPLE PROTOCOL TRANSPONDER**

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: March 2, 2005.

Signature: Carol Prentice
Carol Prentice

RESPONSE

Dear Sir:

This Amendment is responsive to the Office Action mailed on November 4, 2004, for which a petition and fee for a one-month extension of time is being submitted concurrently herewith.

Claims 1-25 are pending. The Examiner has indicated that claims 2, 3, 7-9, 14, 16, 17, and 20-22 contain allowable subject matter.

Claims 1, 4-6, 10-13, 15, 18, 19, 23, 24, and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Shloss (US 5,425,032).

Applicants respectfully traverse these rejections in view of the following comments.

Discussion of Shloss

Claims 1, 4-6, 10-13, 15, 18, 19, 23, 24, and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Shloss. This rejection is respectfully traversed. An anticipation rejection requires that each and every element of the claimed invention as set forth in the claim be provided in the cited reference. See *Akamai Technologies Inc. v. Cable & Wireless Internet*

Services Inc., 68 USPQ2d 1186 (CA FC 2003), and cases cited therein. As discussed in detail below, Shloss does not meet the requirements for an anticipation rejection.

Shloss is discussed in the background section of the present application as prior art (Applicants' specification, page 4, lines 4-6. Shloss discloses a Time Division Multiple Access (TDMA) system with slotted ALOHA activation (Col. 7, lines 16-17).

The TDMA network described in Shloss does not select between two or more possible communications protocols. Shloss is based entirely on the use of TDMA. The receive detector 106 of the transponder 114 of Shloss does not identify a communications protocol used by the remote reader 112 based on an analysis of the RF signal received. Rather, the detector 106 of Shloss assumes a communications protocol used in the TDMA system. In other words, the transponder 114 of Shloss is designed to operate with a single protocol (Col. 4, lines 39-41).

In contrast, Applicants' independent claims 1 and 15 relate to a multi-protocol transponder that operates according to a communications protocol identified from a plurality of communication protocols. Claim 1 specifies means for sequentially identifying the communications protocol from the first RF signal. Claim 15 specifies identifying the communications protocol sequentially from the first RF signal.

Shloss does not disclose or remotely suggest sequentially identifying the communications protocol from the first RF signal, as claimed by Applicants. Shloss is limited to a transponder that is designed to use a single protocol.

Further, Shloss does not disclose or remotely suggest that the transponder operates in accordance with any one of a plurality of communications protocols, as claimed by Applicants. In addition, Shloss does not disclose or remotely suggest sequentially identifying the communications protocol from the RF signal, as claimed by Applicants.

In sum, Shloss does not disclose or suggest a multi protocol transponder as claimed by Applicants. In fact, Shloss teaches away from the present invention by specifying that "the TDMA network includes a protocol that establishes the rules of communication" (Col. 4, lines 39-41). Therefore, the transponder of Shloss is designed to use only a single protocol. With such a design as disclosed in Shloss, there is no need to identify the protocol used, as only one

protocol is used and it is known by the transponder.

As Shloss does not disclose each and every element of the invention as claimed, the rejections under 35 U.S.C. § 102(b) are believed to be improper, and withdrawal of the rejections is respectfully requested. See, *Akamai Technologies Inc., supra*.

Applicants respectfully submit that the present invention is not anticipated by and would not have been obvious to one skilled in the art in view of Shloss, taken alone or in combination with any of the other prior art of record.

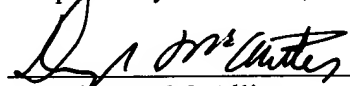
Further remarks regarding the asserted relationship between Applicants' claims and the prior art are not deemed necessary, in view of the foregoing discussion. Applicants' silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Withdrawal of the rejections under 35 U.S.C. § 102(b) is therefore respectfully requested.

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,



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